REMARKS

The Applicants have thoroughly considered the Official Action dated October 6, 2004 and have prepared this Amendment in response thereto.

Summary of Amendments

The Applicants have amended claims 1 to explicitly state that the method is performed by the computer and to clarify the relationship between the method and the seller computer that performs the method. In addition, claim 1 was amended to further distinguish the method from that of Barnes by requiring that the order entry form be a purchase history form including all products purchased in a given time period and requiring that the entry of a quantity into the quantity entry field be the only data entry required by the user to purchase the product.

Claims 3 and 6 were cancelled due to the limitation of the order entry form to the "purchase history form" of amended claim 1.

Claims 4, 7 and 10 – 13 were cancelled due to the amendment of the transition of claim 1 from "comprising" to "consisting of".

Claim 8 was amended to clarify the total displayed on the purchase history form.

Claim 15 and 29 were amended to include the limitation that the order entry form be a purchase history form, as claimed in original claims 20 and 34 (now cancelled) and to include the further limitation that the entry of a quantity into the quantity entry field be the only data entry required by the user to purchase the product.

Claims 17 and 31 were cancelled in response to the amendment of claims 15 and 29.

Claims 5, 18 - 19 and 32 - 33 were amended in response to the amendment of claims 1, 15 and 29 to replace the word "template", which was with the words "order entry".

Claims 21 and 35 were amended to eliminate the method limitations that were

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erroneously included in the claims as originally presented.

Claims 22 and 36 were amended to eliminate the means plus function language included in the original claims.

Claims 1, 2, 5, 8-9, 15-16, 18-19, 21-30, 32-33 and 35-42 remain in the application. For the reasons set forth below, the Applicants believe that the above amendments fully address and overcome the rejections under 35 USC §§102 and 103. Therefore, the Applicants respectfully request that the Examiner reconsider these rejections in light of the amendments and the remarks below and allow all pending claims.

The following remarks will follow the order set forth in the Official Action:

Drawings

The Applicants acknowledges the acceptance of the drawings filed June 27, 2001, and thank the Examiner for her review thereof.

Rejections Under 35 USC §101

Claims 1 - 14 were rejected under 35 USC §101 based upon the assertion that the method claims do not claim a technological basis in the body of the claim. In response, the Applicants have amended claim 1 in accordance with the Examiner's recommendations to further clarify what steps the computer is performing. The Applicants believe that claim 1, as amended, provides an adequate technological basis and requests that the Examiner reconsider and withdraw these rejections of pending claims 1-3, 5-6, 8-9 in light of the Applicants' amendments.

Rejections Under 35 USC §102

Claims 1 –5, 9 – 19, 23 – 33 and 37 – 42 were rejected under 35 U.S.C. §102(b) as anticipated by Barnes et al. (U.S. Pat. No. 5,970,475). The Applicants have cancelled claims

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3-4 and 10-14, rendering moot the rejections of these claims. With regard to claims 1, 2, 5, 9, 15 – 19, 23 – 33 and 37 – 42, the Applicants assert that the amendment of independent claims 1, 15 and 29 overcomes all rejections.

With regard to claim 1, the Applicant has changed the transition from "comprising" to "consisting of" and has added the limitation that the "quantity entry field is the only field on said user specific order entry form in which entry of data by said user is required to purchase said at least one product". As demonstrated by the FIGS. 11 and 12, and the description at column 22, lines 46 – 53, the Barnes system requires the user to manually enter significantly more than just the quantity of a desired product in order to purchase that product. Therefore, as the method of claim 1 is limited to methods that require only the quantity of a product to be entered into the order entry form to purchase that product, the Barnes reference cannot anticipate claim 1, or claims 2, 5, 9, which depend therefrom. It is noted that the addition of this limitation is fully supported by the written description and the Applicants point to at least the description at page 7, lines 1 –3, of their application in support of this assertion.

With regard to claims 1, 15 and 29, the Applicants have added of the limitation that the order entry form be a "user specific purchase history form comprising all products that were purchased during a specified time period". This limitation was included in original claims 6, 20 and 34, now cancelled, and was acknowledged by the Examiner to not be found in the Barnes reference in connection with the rejections under 35 U.S.C. §103. *See Official Action, pages 5 and 6.* Therefore, the Applicants assert that independent claims 1, 15 and 29, and dependent claims 2, 5, 9, 16–19, 23–28, 30-33 and 37–42, that depend therefrom, cannot be anticipated by the Barnes reference. Accordingly, the Applicant respectfully requests that the rejections based upon 35 U.S.C. §102 be reconsidered and withdrawn.

Rejections Under 35 USC §103

Claims 6 – 8, 20-22 and 34-36 were rejected as being unpatentable as obvious in light of the Barnes reference in further view of the Johnson reference. As amended independent claims 1, 15 and 29 each include limitations found in original claims 6, 20 and 34, the Applicants will address the obviousness rejections with reference to these independent claims. For the reasons set forth below, the Applicants assert that claims 1, 15 and 29 are unobvious in light of Barnes, both alone and in combination with Johnson or any of the other cited references.

MPEP § 2142 states that "(t)o establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art references must teach or suggest all of the claim limitations." The Applicants assert that at least two of these obviousness requirements are not met by the cited references.

First, neither the Barnes reference, the Johnson reference, or the other references cited provide an order entry form that displays a purchase history from which a user can view all products purchased over a specified period of time, and allows a user to directly place orders using this purchase history. Both the Barnes system and the system disclosed by Johnson allow reports to be run, and the passages cited in the Official Action fully support this ability. However, the critical difference between the reports of Barnes and Johnson and the purchase history form claimed by the Applicants is the user's ability to order products directly from the form. The "accounting reports" cited by Barnes at column 23, lines 43 – 48, and the "flat file

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data sets or reports" cited by Johnson at column 36, lines 13-25, are both static reports from which information may be obtained, but from which orders may not be placed. Accordingly, the Applicants assert that the prior art fails to teach or suggest this claim limitation.

Second, even if the time period based "flat file" reports alleged to be disclosed by the Johnson reference were assumed to meet this limitation, the Applicants assert that there would be no motivation to combine the references to obtain the claimed invention. Barnes discloses an "Electronic Commerce (EC) system" that "is intended to reduce costs by allowing authorized end users to directly interact with suppliers, rather than through centralized purchasing agents". "(T)he EC System, designated by the reference numeral 10, is primarily intended to meet the purchasing requirements of a large numbers of employees/users at a buyer, purchaser or customer organization 12 who have recurrent needs to order goods and/or services. Preferably, such goods or services are standard, "non-custom" or "non-production" goods/services that might be found in and ordered from a catalog of a supplier or seller 16, such as office supplies, replacement parts and desktop computer hardware." *Barnes, column 6, lines 6 – 22.* Using the EC system of Barnes, a buyer may view certain portions of the supplier's catalog based upon user settings managed by the buyer organization, and create new purchase requisitions based upon this catalog, repeat prior transactions, or create order templates. However, the Barnes reference fails to address the principal problem that is solved by the Applicants' claimed invention; i.e. the risk of error by insertion of incorrect part numbers and pricing on order forms.

Barnes is similar in many respects to the current B2B systems described on page 3, lines 1 – 18, of the Applicants' application, insofar as Barnes requires that the user enter a significant amount of information onto the order form. As shown in FIGS. 11 and 12, and the

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description at column 22, lines 46 – 53, Barnes allows products to be ordered in two distinct ways. First, it allows the user to browse through portions of the suppliers catalog to choose the desired products and add them to a requisition, in a manner similar to they would were they to browse through a catalog. Second, it allows the user to effectively repeat transactions that have been previously set-up, as in cases where user generated templates are used, or to copying prior requisitions of particular products.

Each of these ways of placing an order is time consuming and has a significant risk of error. Where a new requisition is made, or a template set up, the user must sort though entire portions of the supplier's catalog in order to find the product or products that they need. In cases where similar products are found in the catalog and the user is unsure of which to choose, the user must go back to run reports on previously ordered products, find the correct product, go back to either the order form, and enter the correct product in the form. This problem is not eliminated in cases where templates are used or prior requisitions are repeated, as the user must find the correct prior requisition or template on the system, which can be time consuming and prone to error. Further, the user cannot add products directly to this requisition or template. Instead, the user is forced to create a new requisition or template in order to accomplish this task. As each of these means for ordering products using the Barnes system is time consuming and prone to error, it is clear that Barnes failed to identify the key problem to be solved by the Applicants; i.e. the reduction of time and errors by personnel placing orders. Therefore, such motivation would need to be found in the Johnson reference.

Johnson discloses a "just-in-time" (JIT) inventory management system that functions in a manner that is much different from that disclosed in Barnes. Johnson funnels all requisitions through a "customer service representative" (CSR) who has access to both the

customer's and distributor's computers and both initiates requisitions and accepts or rejects requisitions that are automatically proposed by the system based upon prior dealings between the customer, distributor and supplier. The CSR of the Johnson system is a dedicated inventory manager who may manually enter a significant amount of data associated with the requisition of products and has orders products using a product master list, which includes a single line item showing quantities of all products held in the inventory of the distributor. *See generally, Johnson, from column 6, line 39, to column 9, line 15.* Therefore, the Johnson system is primarily concerned with providing this inventory manager with the information and flexibility to requisition whichever parts are needed, and is unconcerned about the ease of ordering or the risk of errors. Thus, the type of system disclosed by Johnson fails to suggest any need for modifying the system to obtain the Applicants' claimed invention.

The Applicant has reviewed the other references cited and has found nothing that either discloses or suggests a system that displays a purchase history from which a user can view all products purchased over a specified period of time, and allows a user to directly place orders using this purchase history. Thus, as there is no disclosure or suggestion in the cited references that such a modification would be beneficial, the Applicants respectfully request that the Examiner either cite a reference that provides such motivation, or withdraw these rejections in light of the above comments.

For the reasons set forth above, it is asserted that independent claims 1, 15 and 29 are unobvious. Further, insofar as dependent claims 2, 5, 9, 16–19, 23–28, 30-33 and 37–42, depend from unobvious claims, the Applicants assert that these claims are likewise unobvious and have elected not to provide additional remarks concerning the patentability of these

claims. Accordingly, the Applicants respectfully request that the Examiner reconsider these rejections in light of the amendments and the remarks herein and allow all pending claims.

Conclusion

It is felt that a full and complete response has been made to the Official Action and, as such, places the application in condition for allowance. Such allowance is hereby respectfully requested. If the Examiner feels, for any reason, that a personal interview will expedite the prosecution of this application, the Examiner is invited to phone the Applicants' attorney at the number set forth below.

Respectfully submitted,

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Version of Claims with Indicia of Amendment

Claim 1 (Currently Amended) A method for selling products over an electronic network, <u>wherein said steps of said method are performed by a seller computer that electronically communicates with a buyer computer via the electronic network</u>, said method ~~comprising~~ <u>consisting of</u> the steps of:

identifying a user;

transmitting a user specific order entry form <u>to the buyer computer</u>, said order entry form comprising at least one user specific product, a user specific price for said at least one product, and a quantity entry field<u>, wherein said user specific order entry form comprises a user specific purchase history form comprising all products that were purchased during a specified time period, and wherein said quantity entry field is the only field on said user specific order entry form in which entry of data by said user is required to purchase said at least one product</u>;

receiving a quantity of at least one product entered into said quantity entry field by said user <u>and sent from the buyer computer</u>;

transmitting a shopping cart <u>to the buyer computer, said shopping cart</u> comprising each of said at least one product selected by the user; and

receiving an instruction from said user to process an order <u>from the buyer computer</u>.

Claim 2 (Original) The method as claimed in claim 2 wherein said step of transmitting a user specific order entry form comprises transmitting a user specific order entry form that further comprises an internal part number associated with at least one previously ordered product.

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Claim 3 (Cancelled)

Claim 4 (Cancelled)

Claim 5 (Currently Amended) The method as claimed in claim 1 wherein said step of transmitting a user specific order entry form comprises transmitting a user specific order entry form ~~template, said order template~~ that further ~~comprising~~ comprises at least one previously quoted product.

Claim 6 (Cancelled)

Claim 7 (Cancelled)

Claim 8 (Currently Amended) The method as claimed in claim 6 wherein ~~said step of transmitting a user specific purchase history form, comprises transmitting a~~ said purchase history form further ~~comprising~~ comprises a total of said at least one previously ordered product that was purchased during said specified time period.

Claim 9 (Original) The method as claimed in claim 1 wherein said step of transmitting a user specific order entry form comprises transmitting a user specific order entry form that further comprises an icon having a link to a product information order entry form, and wherein said method further comprises the steps of receiving a signal that said link has been chosen and transmitting said product information order entry form to said user.

Claim 10 (Cancelled)

Claim 11 (Cancelled)

Claim 12 (Cancelled)

Claim 13 (Cancelled)

Claim 14 (Cancelled)

Claim 15 (Currently Amended): A computer program product for selling products over an electronic network, said computer program product comprising:

means for identifying a user;

means for transmitting a user specific order entry form, said order entry form comprising at least one user specific product , a user specific price for said at least one product, and a quantity entry field;

wherein said user specific order entry form comprises a user specific purchase history form, wherein said at least one user specific product comprises all products that were purchased during a specified time period, and wherein said quantity entry field is the only field on said user specific purchase history form in which entry of data by said user is required to purchase said at least one product;

means for receiving a quantity of at least one product entered into said quantity entry field by said user;

means for transmitting a shopping cart comprising each of said at least one product selected by the user; and

means for receiving an instruction from said user to process an order.

Claim 16 (Original): The computer program product as claimed in claim 15 wherein said means for transmitting a user specific order entry form comprises a means for transmitting a user specific order entry form that further comprises an internal part number associated with at least one previously ordered product.

Claim 17 (Cancelled)

Claim 18 (Currently amended): The computer program product as claimed in claim 15 wherein said means for transmitting a user specific order entry form ~~template~~ comprises

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means for transmitting a user specific order <u>entry form</u> ~~template~~ that further comprises a new product entry field.

Claim 19 (Currently amended): The computer program product as claimed in claim 15 wherein said means for transmitting a user specific order entry form comprises a means for transmitting a user specific order <u>entry form</u> ~~template~~ <u>that further comprises</u> ~~comprising~~ at least one previously quoted product.

Claim 20 (Cancelled)

Claim 21 (Currently amended): The computer program product as claimed in claim <u>15</u> ~~20~~ further comprising:

means for displaying a date range form comprising at least one date entry field, ~~said~~ ~~step of displaying a date range form being performed prior to said step of said step of~~ ~~transmitting a user specific purchase history form~~; and

means for receiving a date entered into said date entry field by said user;

wherein said means for transmitting a user specific purchase history form comprises means for transmitting a user specific purchase history form <u>comprising</u> at least one previously ordered product that was purchased during a time period based upon said date.

Claim 22 (Currently amended): The computer program product as claimed in claim 21 wherein said ~~means for transmitting a~~ user specific purchase history form further comprises ~~a means for~~ a total of said at least one previously ordered product that was purchased during said specified time period.

23 (Original): The computer program product as claimed in claim 15 wherein said means for transmitting a user specific order entry form comprises a means for transmitting a user specific order entry form that further comprises an icon having a link to a product

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information form, and wherein said computer program product further comprises a means for receiving a signal that said link has been chosen and a means for transmitting said product information form to said user

Claim 24 (Original): The computer program product as claimed in claim 15 wherein said means for transmitting a user specific order entry form comprises an icon having a link to a peer review form, and wherein said computer program product further comprises a means for receiving a signal that said link has been chosen and a means for transmitting said peer review form to said user.

Claim 25 (Original): The computer program product as claimed in claim 15 wherein said means for transmitting a user specific order entry form further comprises an icon having a link to a product protocol form, and wherein said computer program product further comprises a means for receiving a signal that said link has been chosen and a means for transmitting said product protocol form to said user.

Claim 26 (Original): The computer program product as claimed in claim 15 wherein said means for transmitting a user specific order entry form comprises a means for transmitting a user specific order entry form that further comprises a sort field, and wherein said computer program product further comprises a means for receiving a sort criterion entered into said sort field, a means for sorting said at least one user specific product, and said user specific price for said at least one product, into a desired order based upon said sort criterion, and a means for displaying a resulting list of said at least one user specific product said user specific price for said at least one product in said desired order.

Claim 27 (Original): The computer program product as claimed in claim 15 further comprising a means for transmitting a payment option form and a means for receiving an instruction from said user to utilize a specified payment option.

Claim 28 (Original): The computer program product as claimed in claim 15 further comprising a means for transmitting a facility option form and a means for receiving an instruction from said user to utilize a specified facility option.

Claim 29 (Currently Amended): A system for selling products over an electronic network, said system comprising:

a computer comprising a processor, a memory, and a connection to said electronic network; and

a computer program product stored in said memory and executable by said processor of said computer, said computer program product comprising:

means for identifying a user;

means for transmitting a user specific order entry form, said order entry form comprising at least one user specific product, a user specific price for said at least one product, and a quantity entry field;

wherein said user specific order entry form comprises a user specific purchase history form, wherein said at least one user specific product comprises all products that were purchased during a specified time period, and wherein said quantity entry field is the only field on said user specific purchase history form in which entry of data by said user is required to purchase said at least one product;

means for receiving a quantity of at least one product entered into said quantity entry field by said user;

means for transmitting a shopping cart comprising each of said at least one product selected by the user; and

means for receiving an instruction from said user to process an order.

Claim 30 (Original): The system as claimed in claim 29 wherein said means for transmitting a user specific order entry form comprises a means for transmitting a user specific order entry form that further comprises an internal part number associated with at least one previously ordered product.

Claim 31 (Cancelled):

32 (Currently Amended): The system as claimed in claim 29 wherein said means for transmitting a user specific order entry form template comprises means for transmitting a user specific order entry form template that further comprises a new product entry field.

Claim 33 (Currently Amended): The system as claimed in claim 29 wherein said means for transmitting a user specific order entry form comprises a means for transmitting a user specific order entry form template further comprising at least one previously quoted product.

Claim 34 (Cancelled)

Claim 35 (Currently Amended): The system as claimed in claim 34 further comprising:

means for displaying a date range form comprising at least one date entry field, said step of displaying a date range form being performed prior to said step of said step of transmitting a user specific purchase history form; and

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means for receiving a date entered into said date entry field by said user;

wherein said means for transmitting a user specific purchase history form comprises means for transmitting a user specific purchase history form that comprises at least one previously ordered product that was purchased during a time period based upon said date.

Claim 36 (Currently Amended): The system as claimed in claim 35 wherein said ~~means for transmitting a user specific purchase history form comprises a means for transmitting a~~ purchase history form further ~~comprising~~ comprises a total of said at least one previously ordered product that was purchased during said specified time period.

Claim 37 (Original): The system as claimed in claim 29 wherein said means for transmitting a user specific order entry form comprises a means for transmitting a user specific order entry form that further comprises an icon having a link to a product information form, and wherein said computer program product further comprises a means for receiving a signal that said link has been chosen and a means for transmitting said product information form to said user

Claim 38 (Original): The system as claimed in claim 29 wherein said means for transmitting a user specific order entry form comprises an icon having a link to a peer review form, and wherein said computer program product further comprises a means for receiving a signal that said link has been chosen and a means for transmitting said peer review form to said user.

Claim 39 (Original): The system as claimed in claim 29 wherein said means for transmitting a user specific order entry form further comprises an icon having a link to a product protocol form, and wherein said computer program product further comprises a

means for receiving a signal that said link has been chosen and a means for transmitting said product protocol form to said user.

Claim 40 (Original): The system as claimed in claim 29 wherein said means for transmitting a user specific order entry form comprises a means for transmitting a user specific order entry form that further comprises a sort field, and wherein said computer program product further comprises a means for receiving a sort criterion entered into said sort field, a means for sorting said at least one user specific product, and said user specific price for said at least one product, into a desired order based upon said sort criterion, and a means for displaying a resulting list of said at least one user specific product said user specific price for said at least one product in said desired order.

Claim 41 (Original): The system as claimed in claim 29 further comprising a means for transmitting a payment option form and a means for receiving an instruction from said user to utilize a specified payment option.

Claim 42 (Original): The system as claimed in claim 29 further comprising a means for transmitting a facility option form and a means for receiving an instruction from said user to utilize a specified facility option.